

The Winchester Appeal

LEWIS METCALFE, EDITOR.

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The Nebraska Kansas Bill.

There seems to be much dispute in regard to the construction of this bill, even by the framers of it. We give Mr. Pierce's views of it as appears in his special message, especially on that part of the bill that is the subject of so much dispute. He says:

"The act to organize the territories of Nebraska and Kansas was a manifestation of the legislative opinions of Congress on the two great points of Constitutional construction: one, that the designation of the boundaries of a new Territory, and provision for its political organization and administration as a Territory, are measures which of right fall within the powers of the General Government; and the other, that the inhabitants of any such Territory, considered as an *incorporated State*, are entitled, in the exercise of self-government, to determine for themselves what shall be their *own domestic institutions*, subject only to the Constitution and the laws duly enacted under it, and to the power of the existing States to decide according to the provisions and principles of the Constitution at what time the Territory shall be received as a State into the Union. Such are the great political rights which are solemnly declared and affirmed by that act."

Do we understand by this that a territory is an *incorporated State*, entitled in the exercise of self government to determine for themselves whether slavery shall or shall not be instituted there? If so, then we take it, that Mr. Pierce believes in the odious doctrine of "Squatter Sovereignty." If that is not his meaning, then he fails to tell us what he aims at, and the whole paragraph is but a sounding chain of words, and we are left uninformed after perusing them. Now the territory of Kansas has passed a law establishing slavery there, and Mr. Pierce does not say they had not the right under the Constitution, and we must suppose he acquiesces in the constitutionality of the act. Indeed he speaks freely on other questions of less importance, touching their legality under the organic law of the territory, but wholly overlooks the slavery law, unless he refers to it in the sentence above quoted. It is that law that is causing such confusion there, and of which he does not complain. We have no fault to find with the law, but think the territory had no authority under the Constitution to make it, for if they had the right to make it they had the same right to repeal it, or to have passed a law to the reverse of it. The enactment of the law was in short the abuse of territorial sovereignty, which is so condemned in the South. The law, however, is only a legislative surplage. It does not effect the right of any one. Slaveholders had the same right to carry their slaves there before the passage of it that they do now. It is the recognition of the validity and constitutionality of the act that we condemn, as showing the views of the President to be in favor of the right of the territory to pass it, or to legislate upon the subject at all. We know that the democrats of the South are too sound upon the question to support any one for President, who recognizes the principle, and ask them to examine the views of Mr. Pierce on this subject with a little care, before they commit themselves to his support.

The Responsibility.

So far as any party is responsible for the election of Mr. Banks to the Speakership, we think it rather a small matter. But as an effort has been made to manufacture political capital of it, it may be proper to lay the case before our readers just as it is, and let facts tell their own tale. On the one hundred and thirty-third ballot, Mr. Aikin received 100 votes, and Mr. Banks 103, under the plurality rule. Four democrats refused to vote for Mr. Aikin, and six Americans also refused to support him. Now had these four democrats supported Mr. Aikin he would have been elected by one majority over Banks; and if those six Americans had voted for Mr. Aikin he would have been elected by three votes. So right here we find both parties to some extent were responsible for the defeat of Mr. Aikin. We now proceed a little farther and find that neither Mr. Richardson nor Mr. Fuller voted at all. We now have to examine into the motives and apologies (if any they have) of these fractions of the two parties for refusing to vote, — human nature has its frailties, and it is said that "a soft answer turneth away wrath." These imperfections may be looked for in all of us, and when Mr. Walker of Alabama proposed to meet

with the democrats and nominate some acceptable candidate the proposition was answered by an unceremonious refusal on the part of the democrats, being unwilling to meet with the know-nothings, as if they were not their peers, or belonged to an ignoble and inferior caste! Now we think that after such an indignity offered nothing less than christian forbearance could have restrained these men from the exercise of vindictive feelings towards their supercilious opponents — and no doubt was a motive of the few Americans who did not vote, for not exercising their right of suffrage on the occasion. Now shall this piece of human nature be any apology for them? Readers, examine your own heart.

We have now disposed of one case, and will take up the other, call up Mr. Richardson and others. Mr. R.'s friends had doubted the sincerity of some of the Americans who said they would support a democrat not the nominee of a caucus; they then did not expect all of the Americans to vote for Mr. Aikin, and knew that it would probably take all the democratic strength to elect him; and also under the plurality rule some one must be elected on the next ballot, and that must be either Banks or Aikin. Now was the exciting moment, but Mr. Richardson and three other democrats stood calmly by, amid the storm of party strife, and without lending their support, witnessed the hopes of their party and their country overthrown by the zeal of Northern factions. This is the charge against you gentlemen. *Guilty or not guilty?* you must confess. Then what is your apology? Mr. R. was defeated, his party dropped him after the dissection by Mr. Zollieffer, who found freesoil in his heart, and the black plague spot upon him. Mr. R. then could not get the support of his party, and with three *immortal* adherents dodged the matter. We ask for the apology, — and the facts refer us to an old man who lived long ago, called Aesop, who tells a yarn about "a dog in the manger." Make the application.

These are the plain facts of the case. We do not blame either party for the result, but do dislike to see unfair attempts made by our opponents to burden the American party with the responsibility of having elected an abolitionist to preside over the deliberations of the Lower House of Congress. We can find fault with Mr. Richardson and his adherents, particularly Mr. R., who acted with so little magnanimity, and played so much the part of a spoiled child. The true patriot, like the old Grecian, would have "thanked the Gods that there were other men better than himself." These political crises always do some good, and in this instance, we have a beautiful example of a lofty patriotism, that in the hour of trial forgot self, party, and everything else but the country's weal. That example was set by the American party, led on by such men as Marshall, Walker and company, the Catos of the thirty-fourth Congress.

It may be well to state (for fear that the charge of unfairness may be attributed to us) that several of these democrats were absent when the vote was taken, and among them Mr. Richardson, but we cannot see that under the circumstances that is any apology. The crisis had arrived and all knew it.

Kansas.

An act to punish offences against Slave property.

SEC. 12. Be it enacted by the Governor and Legislative Assembly of the territory of Kansas,

That if any free person, by speaking or writing, assert or maintain that persons have not the right to hold slaves in this territory, or shall introduce into this territory, print, publish, write, circulate, or cause to be introduced, written, printed, published, or circulated in this territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this territory, such person shall be deemed guilty of felony and punished by imprisonment at hard labor for a term not less than two years.

Though this smacks of the old sedition law, still we cannot feel much surprised at the passage of such a law in Kansas. It is clearly void for unconstitutionality, but it shows a hopeful determination in the settlers to maintain their rights. — Should such a law be enforced or an attempt be made to enforce it, a civil war will be the inevitable consequence. The act is to take effect next September, before which time we fear that our Western skies will be reddened with the war cloud.

The friends of slavery had better not overreach their constitutional obligations, for if civil war should come upon them they will find that *right* is the spirit of *might*, and Justice is a sling of David.

A New Plank for Platforms.

During the existence of the Missouri Compromise the rights of the South were partially protected by that act, and the great question now agitating the South could not have been made under it, but since the removal of that old restriction by the last Congress it seems that a train of political evils (*nova agmen februm*) has burst out like the fates from the fabled box of Pandora, when the fatal lid was removed, and have spread like an epidemic over the whole country, while hope may hardly be said to have remained behind. And it appears that the chief plague among them is "squatter sovereignty," which must command the best wisdom of the country to guard it. We are glad to see that the American party of Tennessee have stepped forward first to plant their foot upon it, and record their protest against it. Who'll be next?

Cost of a Speaker.

The pay of members of the House of Representatives, for the time spent in balloting for Speaker, amounts, in the aggregate, to the sum of three hundred and ten thousand dollars. If to this we add the pay of Senators who have been kept idle, or all but idle, during the time the House was disorganized, the salaries of clerks, messengers &c., and the expense of publishing an official report of the proceedings, we would have a sum of not less than half a million dollars to set down against the single act of the session thus far — namely the election of Speaker. Mr. Banks is the most costly Speaker which Congress or the country has ever had, and he ought, if cost is to be the test, far exceed all his predecessors in the chair of the House. We hope that the proper business of the season will now proceed without interruption from distracting and mischievous discussion, and that the members will try to atone for past conduct by devoting themselves heartily to the consideration of measures for the common welfare. If the members work with a will they can yet make the session fruitful of good to the country. — So says the *Memphis Whig*.

A Great Chance in Texas. — The Legislature of Texas, as most newspaper readers are aware, have donated to the building of the Texas Western Railroad 10,240 acres land for every mile of the road built. 263,000 acres will be delivered on completion of the first 25 miles, and afterwards the amount accruing for each five miles, until the whole is completed to El Paso, a distance of 783 miles. The capital stock of the company is divided into 100 shares, the certificates of which state that no call over 5 per cent. will ever be made on them. — These certificates are sold on paying 2 per cent. down, the remainder, making the 5 per cent. in half yearly instalments of one-half of one per cent. Of the total amount, 25,000,000, \$800,000 remain unsold. The road is commenced, and is under contract to responsible parties: it will be free from ice and snow the year round, and is expected to become a part of the Pacific Road, as the distance from El Paso to San Diego, on the Pacific, is not over 821 miles.

In a speech, made in 1850, Richardson, the whilom "chosen, and perfectly sound," Democratic candidate for Speaker used the following very southern language. No wonder the "shift" Locofocos dropped him like a hot potato, when Zollieffer, of Tennessee, brought forth his truth-telling antecedents:

"I do not and cannot believe that our Constitution carries and protects slavery, except in the States; nor do I believe that its framers intended that it should extend this institution. I believe it was framed for far higher and nobler purposes."

A well-known gentleman of Boston who has kept an accurate account of the thermometer and barometer during the last fifty years, states that the past month of January has averaged four and a half degrees colder than any preceding January for the last thirty years.

The Cherokee Nation have authorized their chief to open correspondence with the different missionary boards, for the purpose of remonstrating against their sending Abolitionists among them under the pretext of being missionaries. The Territorial Legislature has also adopted stringent measures for the punishment of Abolition meddlers in the affairs of the Territory.

The Austrian Concordat.

Austria has for long years occupied a most unenviable position among the nations of the earth. Her name has become a byword for treachery, tyranny, despotism and all that renders a man or State degraded. But the finishing touch to her abasement was given recently, in the shape of a "Concordat" with the Papal See. In order that our readers may properly understand what this Concordat provides for, we publish an article on the subject from the Paris correspondent of the Presbyterian. The writer commences by saying:

You will doubtless have received the intelligence of the Concordat between the Emperor of Austria and the Pope before this reaches you. An abject and disgraceful submission of a crowned head to the despotism of Rome is not, all things considered, to be found on the page of history. — Francis Joseph has sold himself to the imbecile old man who wears the triple crown.

The contracting parties exchanged ratifications in Vienna, on the 25th of September last. They declare that "their mutual aim is to preserve and increase faith, piety and moral strength" in Austria, and agree as follows: Romanism, with "its rights and privileges," according to the canon laws, is to be perpetual in Austria and all its dependencies, including Hungary, Transylvania and Galicia. Priests, monks, nuns and Jesuits are to communicate with the people on the one hand and the Court of Rome on the other, without reference to the civil authority. Thus the power of the Pope in Austria is to be supreme, absolute and omnipresent. Archbishops, bishops and their clergy are to govern the people as they please; the laws by them administered are not those of the Empire, but of the Church. All schools public and private, are put under the control of the bishops, or in other words, all education is confined to the management of the Society of Jesus. The bishops will appoint all teachers, and choose all books. Inspectors appointed by the same authority, and armed with imperial power to enforce obedience will visit all schools. No book disagreeable to Jesuit or priest may circulate over the Empire, not even Bibles, of course; or if they creep in, the priests have now received power to prevent their people from reading them. Clerical processes, conducted in clerical courts, before spiritual Judges, having relation to faith, sacrament, &c., are all made legal. In other words, the inquisition, with all its power and horrors, only without the name, is both legalized and revived in Austria. Bishops may punish the clergy in monasteries, Jesuit seminaries, or separate prisons as they please. In consideration of the times, the civil courts are permitted to retain a slight shadow of authority over the persons of the clergy, in regard to civil and criminal offences.

For the edification of Protestants, it is now proclaimed that the faith, the liturgy and the clergy of the Church of Rome are all held sacred in Austria, and that the authorities are commanded to employ force, when necessary, to punish any whose writings or discourses may tend to diminish the honor that must be paid to them. The Pope governs all bishops, and after the bishops have sworn a real oath to himself clear and unmistakable as day light, suffers them to take a weak and ambiguous one to the Emperor, as becomes bishops.

All priests cannot have legitimate heirs, a special indulgence in Austria in pity to their children allows them to bequeath property by will. Some slight, very slight shadow of ancient right of investiture remains to the Emperor, and even this is granted by the Pope's extreme benevolence. The revenues of poor livings are to be increased as soon as possible by fresh burdens to be laid upon the people. — The clergy administer their own estimates. Henceforth the rents constituting a federal education fund, shall be expended in the schooling of Romanist children only; and all laws, ordinances and arrangements to the contrary that have been made are hereby annulled.

In reply to the assertion made in some quarters, that it is the duty of railroad companies to project their cars with lightning rods, it is stated as a scientific fact that cars while on the iron track are never struck by lightning.

During a great storm on the Pacific ocean, a vessel was wrecked, and a Quaker tossing to and fro on a plank, exclaimed, over the crest of a wave, to another who was drifting by on a barrel, "Friend, dost thou call this Pacific?"

An old lady in Morristown, New Jersey nearly ninety years of age, has had a growth of fine black hair on her head for a year past. She is also cutting new teeth, and her sight has come to her for the second time.

The Threatened Kansas War.

The following conservative sentiments are from the New York Sun:

If Kansas is spared the calamity of an unnatural fratricidal war the ensuing Spring, it will only be by the patriotism and good sense of the people being brought to bear against the treasonable designs of incendiary agitators and incendiary presses, at the North and at the South. There is no mistaking the fact that there are parties in the free as well as in the slave States who are laboring earnestly to no other end than to bring on a collision between the settlers in Kansas by intruding among them bands of armed men equipped and sent there to fan the flame of sectional discord into a general conflagration.

It is a reflection which saddens the mind while arousing its strongest indignation, that men who call themselves American citizens should have so little regard for the character or interests of the Republic that they will deliberately enter upon a system of agitation which threatens the peace and perpetuation of the Union, and who, when facts are wanting to the promotion of their diabolical design, will color, exaggerate, and misrepresent occurrences to influence the passions and pervert the judgement of the people. We cannot extend to such men the charity of crediting them with zeal for a principle. Men honestly devoted to a principle will not employ falsehood and misrepresentation as their chief weapons.

Let the incendiary agitators outside of Kansas be put down, for silenced and our word for it, the people of the territory, from whatever States they may have emigrated, will find more rational occupation and a more republican mode for settling their political difficulties than by cutting each other's throats, or shooting each other down with Sharp's rifles. We do not hesitate to denounce it as the most atrocious, the most cold blooded and inhuman conduct of which men could be guilty, to instigate their fellow citizens to murder and massacre; and we regard as fiends, rather than as men, those who can glaze over the prospect of civil war in Kansas.

A fearful responsibility will rest upon Congress and upon the Executive, if prompt and decisive steps are not taken to secure the people of Kansas in the peaceful enjoyment of their legal and constitutional rights, and to crush out, before it is too late, the elements of treason and rebellion which reckless and unprincipled men are introducing and nurturing in that territory. There are legal and constitutional means for settling the Kansas troubles, and to apply and enforce these is the duty of Congress and of the Federal Administration. Rebellion or civil war is an alternative which can never rightfully present itself to any State or Territory in the Union while the Constitution stands and is respected; and there never was a time in our history when it was more important that good and patriotic citizens should take their stand firmly on the platform of the Union and the Constitution, than it is at the present moment.

The last Platform made in Boston.

The Washington American Organ of last week says:

We find in the American Patriot, published at Boston, an article upon the "American platform," from which we cheerfully present extracts, embodying the true principles on which the party should stand. It says:

"None but Americans to rule America; the Union must be preserved; no foreign intercourse with American affairs; inviolability of national treaties; no union of Church and State; personal morality indispensable to office; an open Bible in all public schools; thorough reform of the naturalization laws; a capitation tax to exclude foreign paupers; no appointment of foreigners on diplomatic posts; a just tariff on imported luxuries; in all necessities free trade; strict economy in the government."

Mr. Buchanan has written a letter to a friend, in which occurs the following:

"The next will be most important and responsible Presidential term since the last war with England, or perhaps since the origin of the government. Both our foreign and domestic affairs will require the guidance of an able, firm and skillful pilot to steer the vessel of State clear of the breakers. I pray Heaven that the best man may be selected for the crisis, and to me it is a matter of indifference whether he comes from the North or the South, the East or the West."

The Milledgeville Reorder of

Tuesday says: Persons dropping letters in the post office in this city after dark, are advised to listen and hear them fall in the box below before they leave. An artificial effort was made a few nights since to obstruct them in the letter hole with a small bunch of cotton tied to the end of a twine, by which they could be drawn back, and the post office thereby robbed.

Tom Paine's Grave.

A correspondent of the New York Journal of Commerce furnishes the following particulars relative to the farm and grave of TOM PAINE:

"Some years since I collected from a correct source a few scraps of information respecting the latter scenes of his life. About two miles north of New Rochelle is situated the 'Paine Farm,' an elevated tract of land, containing at the time of his death, several hundred acres of genuine Westchester County fertility. Opposite, and across the street from the entrance to this farm, stands an ancient and somewhat dilapidated house, in which Tom Paine passed the last period of his life, and in the large eastern room of which he breathed his last. This house is now very nearly, or quite, two hundred years old, and, at the time of Paine's death, was a country tavern; and the ancient sign, 'Entertainment for Man and Beast,' can, I think, be found in its garret. The Landlady was a Mrs. Badeau, a descendant of the first French settlers of New Rochelle. Her daughter, Mrs. Badeau, still lives on the place, and was at the time referred to, twelve or thirteen years of age. His remains were interred on his own farm, directly opposite the house in which he died, and the spot which had he died twenty years before, would have given place to the evergreen and the rose, planted by the hand of friendship. — About two yards from his grave stands the monument erected to his memory by the admirers of his talent and principles. It is of marble, in the Grecian style, about nine feet high, encircled with a wreath of oak leaves and acorns. On its front is displayed a profile in bas-relief, said to be a perfect likeness of the man. Below this is this simple inscription: 'Thomas Paine, author of *Common Sense*.' The profile has a striking resemblance to the medallion of John Hancock."

The Liquor Question.

The action of the Legislature thus far in regard to the liquor question has been the repeal of the Tipping Law, and investing Grand Jurors with inquisitorial power in case of violation of existing laws. The law now in force is the Quart Law. The Senator from DeKalb, Mr. Stokes, introduced the following bill, which has passed the Senate and gone to the House.

A Bill to protect Property and Restrict the Sale of Ardent Spirits.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, that hereafter no person shall engage in the traffic in spirituous liquors without first going before a Justice of the Peace, and make oath that they will not sell or give to any minor, free person of color, or a slave, without a written permit from such persons as are now authorized by law to extend such privilege. Any person violating the provision of this act in failing to take such oath shall be deemed guilty of a misdemeanor, and shall be dealt with as in case of other misdemeanors.

SEC. 2. Be it further enacted, that if any person shall give or sell spirituous or vinous liquors to any minor, free persons of color, or slave, after having taken the oath as prescribed in the section of this act, they shall be deemed guilty of perjury.

SEC. 3. Be it further enacted that any person or persons selling spirituous or vinous liquors in this State by the quart, shall pay a tax to the State of ten dollars for every hundred dollars worth sold, and shall be required at the close of each and every year, to render upon oath to the clerk of the county court, a statement of the quantity he may have thus sold.

Extraordinary Story. — During the stay of the Persian Ambassador in Moscow, a fire of charcoal, lighted by his servant in a stove of the room where his son and the servant slept, caused the death of the former by suffocation, while the latter narrowly escaped with his life. The Ambassador, in order to avenge the death of his son, commanded the servant, to be flayed alive. The Russian police, however, interfered, alleging that such a punishment could not be allowed in their country. Accordingly his excellency ordered a box with airholes to be made, for the purpose of transporting his unfortunate servant to Persia, there to suffer the fearful death, which even Russia civilization prohibited.

An elaborate message has been communicated to the Common Council of New York by Mayor Wood; urging that application should be made to the General Government to place the port and harbor of that city in a better posture of defence, being apprehensive of hostilities between England and the United States.